

House of Representatives

Supplementary Order Paper

Wednesday, 8 August 2018

Electoral (Integrity) Amendment Bill

Proposed amendment

Hon Dr Nick Smith, in Committee, to move the following amendment:

Clause 5

In *clause 5*, after *section 55E* (page 4, after line 16), insert:

55F Purpose of sections 55F to 55H

The purpose of **sections 55F to 55H** is to—

- (a) enhance public confidence in the integrity of the electoral system; and
- (b) enhance the maintenance of the political representation in Parliament as determined by electors—

by protecting against the situation where a leader of a political party defects to a new political party.

55G Leader of a political party leading a different political party

- (1) This section applies to any member of Parliament who is a leader of a political party.
- (2) The seat of the leader of a political party must become vacant if that member of Parliament leaves the party they are leader of and becomes an independent or leader of a different political party.
- (3) For the purposes of **subsection (2)**, a member of Parliament leaves the party they are leader of or becomes independent if any member of Parliament delivers a written notice that complies with **section 55C** to the Speaker that satisfies the Speaker of the matters in **section 55C**.

55H Matters Speaker to consider in accepting notice

The Speaker of the House of Representatives will accept a notice under **section 55G(3)** if he or she is satisfied on any of the following matters:

- (a) the leader is no longer a member of the political party to which they were elected to Parliament at the last general election; and
- (b) the Speaker reasonably believes that the leader of the political party has acted in a way that has distorted, and is likely to continue to distort, the proportionality of political party representation in Parliament as determined at the previous general election.

Explanatory note

This Supplementary Order Paper amends the Electoral (Integrity) Amendment Bill. The existing Bill has the anomaly that a leader of a political party is not subject to the same rules as other members, in that there is no constraint on their capacity to change parties. This glaring anomaly was exactly what occurred in 2002 when Jim Anderton left the Alliance for the Progressive Party under similar legislation and faced no consequence despite distorting the proportionality of Parliament. The amendment ensures the same rules apply to party leaders as apply to other MPs.